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## NOTICE OF ALLOWANCE AND FEE(S) DUE

3705 7590 06/10/2009  
ECKERT SEAMANS CHERIN & MELLOTT  
600 GRANT STREET  
44TH FLOOR  
PITTSBURGH, PA 15219

EXAMINER	
TETLEN, MARINA ANNETTE	
ART UNIT	PAPER NUMBER

3753  
DATE MAILED: 06/10/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,615	12/05/2005	Francis Xavier Kay	063030-00080	6864

TITLE OF INVENTION: IMPROVEMENTS IN OR RELATING TO VALVES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	09/10/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

## HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to:** Mail **Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
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 or Fax **(571)-273-2885**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

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## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/537,615 12/05/2005

Francis Xavier Kay

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nonprovisional	NO	\$1510	\$300	\$0	\$1810	09/10/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
TIETJEN, MARINA ANNETTE	3753	251-339000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_  
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_  
 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_  
 Typed or printed name \_\_\_\_\_ Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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			ART UNIT	PAPER NUMBER
			3753	
DATE MAILED: 06/10/2009				

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 509 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 509 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

**Notice of Allowability****Application No.**

10/537,615

**Applicant(s)**

KAY, FRANCIS XAVIER

**Examiner**

MARINA TIETJEN

**Art Unit**

3753

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the RCE and Amendment filed 05/18/2009.
2. ☒ The allowed claim(s) is/are 1,4-6 and 31-34.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

**DETAILED ACTION**

***Election/Restrictions***

1. This application is in condition for allowance except for the presence of claims 7-15 and 19-30 directed to Group II non-elected without traverse. Accordingly, claims 7-15 and 19-30 have been cancelled.

***Allowable Subject Matter***

1. Claims 1, 4, 5, 6, 31-34 are allowed.
2. The following is an examiner's statement of reasons for allowance: The prior art fails to teach or render obvious a valve including
  - a valve housing providing a chamber accommodating at least part of a valve member, said chamber forming at least part of a first or high pressure side of said valve,
  - a valve port leading from said chamber to a second or low-pressure side of said valve,
  - a valve seat around the valve port, said valve member having a seating surface co-operating with the valve seat and the valve member being displaceable, along an axis passing through said port, respectively (a) in a first direction, to move said seating surface into said chamber and away from said valve seat and (b) in a second, opposite direction, to move said seating surface towards said valve seat, biasing means being provided biasing said valve member in said second direction towards its closed position,
  - the valve housing having an extension extending, in said second direction, beyond said port and forming a transverse wall at an axial end of said extension at a

distance from said port, said extension having an axial bore extending from said port and forming a central aperture in said transverse wall, which aperture forms a bearing for an axial extension of said valve member through which bearing said axial extension passes as a sliding fit, whereby the valve member is guided for said axial movement,

said axial bore being bored out to a seat diameter of the valve port up to a distance just short of said transverse wall to provide a passage for gas from said port and at least one transverse outlet bore radiating from said axial bore to a respective opening in a side wall of said extension, on the periphery of the valve housing, so that gas outflow from said port is translated from the axial sense to the radial sense, the transverse wall serving to deflect any gas proceeding from said valve port in a direction parallel with said valve axis,

wherein the periphery of said extension of the valve housing is undercut in the region behind the transverse wall, in such a way that said undercut region becomes gradually increasingly spaced from said axis with distance, measured parallel with said axis, away from said transverse wall, so that over said undercut region, the peripheral surface of the valve body is inclined with respect to said axis, and wherein one or each said opening or openings at the side of the valve body opens onto said inclined peripheral surface which serves to direct any gas exiting the opening or openings in a downward direction towards an outlet port of the valve.

The prior art also fails to teach or render obvious a valve including a valve housing providing a chamber accommodating at least part of a valve member, said

chamber forming at least part of a first or high pressure side of said valve, a valve port leading from said chamber to a second or low-pressure side of said valve, a valve seat around the valve port, said valve member having a seating surface co-operating with the valve seat and the valve member being displaceable, along an axis passing through said port, respectively (a) in a first direction, to move said seating surface into said chamber and away from said valve seat and (b) in a second, opposite direction, to move said seating surface towards said valve seat, the valve member having a bore extending axially from the high pressure end thereof and forming a cylinder sealingly slidable, in said first and second directions, on a piston fixed within said valve housing, to define therewith a further chamber, biasing means being provided biasing said valve member in said second direction towards its closed position, said further chamber in either case communicating with the low pressure side of the valve, and wherein said piston has a base part or a supporting insert providing an outer periphery received in an internal recess or groove provided around a bore which extends axially into the valve housing from a high pressure end thereof and which bore at least partially defines said chamber accommodating the valve member, said internal recess or groove being disposed at a location remote from said valve seat, the valve housing having one or more longitudinal slits therethrough extending from the high pressure end of the valve housing, adjacent said internal groove or recess and extending through the location of said internal groove or recess, the material of the valve housing being sufficiently resilient to allow the wall of the valve housing to be flexed outwardly sufficiently to allow said base part or insert to pass within said bore in the valve housing from said high

pressure end thereof to the axial position of said internal groove or recess and to allow the wall of the valve housing thereafter to spring back around said base part or insert to locate said base part or insert in said internal groove or recess.

The prior art also fails to teach or render obvious a valve including a valve housing providing a chamber accommodating at least part of a valve member, said chamber forming at least part of a first or high pressure side of said valve, a valve port leading from said chamber to a second or low-pressure side of said valve, a valve seat around the valve port, said valve member having a seating surface co-operating with the valve seat and the valve member being displaceable, along an axis passing through said port, respectively (a) in a first direction, to move said seating surface into said chamber and away from said valve seat and (b) in a second, opposite direction, to move said seating surface towards said valve seat, the valve member having a bore extending axially from the high pressure end thereof and forming a cylinder sealingly slidable, in said first and second directions, on a piston fixed within said valve housing, to define therewith a further chamber, biasing means being provided biasing said valve member in said second direction towards its closed position, said further chamber in either case communicating with the low pressure side of the valve, and wherein said piston has a base part or supporting insert providing an outer periphery received in an internal recess or groove provided around a bore which extends axially into the valve housing from a high pressure end thereof and which bore at least partially defines said chamber accommodating the valve member, said internal recess or groove being



disposed at a location remote from said valve seat, wherein the base part or supporting insert is designed for resilient inward flexing to allow it to be inserted in the bore in the valve housing from said high pressure end thereof to spring into said groove when the base part or insert is at the longitudinal position of said internal groove or recess, thereby to retain said piston in place, wherein the lower edge of the bore in the valve housing is internally chamfered and/or wherein the outer edge of said base part is externally chamfered, to facilitate insertion of the base part or insert into the bore in the valve housing from said lower end of the valve housing, wherein the lower edge is the high pressure edge and the lower end is the high pressure end.

3. Faust (U.S. Pat. No. 2,806,481) are considered most pertinent to applicant's disclosure.

Faust discloses the invention as essentially claimed, except for the periphery of the undercut region being inclined in such a way that said undercut region becomes gradually increasingly spaced from said axis with distance, measured parallel with said axis, away from said transverse wall, wherein the transverse bore opens onto the inclined surface to direct any gas exiting the opening or openings in a downward direction towards an outlet port of the valve. There is no motivation to incline the undercut surface of Faust since directing gas downward in such a manner would not direct gas to the Faust's outlet which is somewhat elevated from the openings, and would provide not obvious benefit otherwise.

Faust also does not disclose the valve housing having one or more longitudinal slits therethrough extending from the high pressure end of the valve housing, adjacent said internal groove or recess and extending through the location of said internal groove or recess, the material of the valve housing being sufficiently resilient to allow the wall of the valve housing to be flexed outwardly sufficiently to allow said base part or insert to pass within said bore in the valve housing from said high pressure end thereof to the axial position of said internal groove or recess and to allow the wall of the valve housing thereafter to spring back around said base part or insert to locate said base part or insert in said internal groove or recess; or wherein the base part or supporting insert is designed for resilient inward flexing to allow it to be inserted in the bore in the valve housing from said high pressure end thereof to spring into said groove when the base part or insert is at the longitudinal position of said internal groove or recess, thereby to retain said piston in place. There is no motivation to make Faust's housing from a resilient material and to include longitudinal slits for outward flexing, or for a base or insert to be inward flexing to retain said piston in place in said housing, since Faust's piston (21) can be inserted and fully functional without such a structure.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Pat. No. 1,603,112; 2,343,146; and 1,679,826 (Jenkins), disclose a transverse bore which opens onto an inclined surface, however, the outlet is located at a lower level than the openings, and the openings are located on the valve assembly housing and not the housing for the piston which has the valve seat. U.S. Pat. No. 1,190,514 (Cash) discloses a transverse wall to direct flow, however, the wall is part of the piston and not the valve piston housing. U.S. Pat. No. 3,075,545 (Eichelman) discloses a similar valve as Faust, however, lacks the transverse wall on the valve piston housing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARINA TIETJEN whose telephone number is (571) 270-5422. The examiner can normally be reached on Mon-Thurs, 9:30AM-5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ROBIN EVANS can be reached on (571) 272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. T./  
Examiner, Art Unit 3753

/John K. Fristoe Jr./  
Primary Examiner, Art Unit 3753